

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

January 5, 2010

N440 - State Mail
Anthony E. Morris
James T. Vaughn Correctional Center
1181 Paddock Road
Smyrna, DE 19977

RE: State v. Anthony E. Morris
Defendant ID No. 9812010539 (R-1)
Motion for Postconviction Relief

Dear Mr. Morris:

On December 29, 2009, you filed a Motion for Postconviction Relief alleging that there were irregularities in the transfer of your case from Family Court to Superior Court. After reviewing your Motion and your Superior Court files, the Motion is denied.

You seek a review of the December 6, 2002 sentence to three years Level 5 for a violation of probation.¹

On December 15, 1998, you were charged with delivery of cocaine and several misdemeanors. You note that the case was transferred from Family Court and accepted in this Court on January 11, 1999.

Your specific allegation is that you were a juvenile and any transfer to Superior Court was done without an amenability hearing, and, therefore, this Court was without jurisdiction as to your trial and subsequent sentence, including the violation of probation sentence imposed on December 6, 2002.

¹On December 6, 2002, you received a sentence on another (new) drug offense which resulted in a significant mandatory sentence. (Defendant ID No.0205019125).

January 5, 2010

You are simply mistaken because your file contains the January 4, 1999 Order of Judge Kenneth M. Millman transferring the case to Superior Court because you and your attorney desired to waive your right to an amenability hearing.

Since this court had jurisdiction of this case, your Motion must be dismissed as being procedurally barred pursuant to Superior Court Criminal Rule 61 (i)(1).

Yours very truly,

/s/ T. Henley Graves

T. Henley Graves

THG:baj

cc: Prothonotary
Department of Justice